

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 609
CASE NO. 88-7
(Downtown SHOP - Text and Map)
March 13, 1989

In March, 1988, the Zoning Commission initiated this case to consider and adopt appropriate amendments to the Zoning Regulations to further certain of the development policies and land use objectives contained in the Land Use and Downtown Plan Elements of the Comprehensive Plan for the National Capital. The particular focal points of this case are the Downtown Retail Land Use Objective and Policies (Sections 904 and 905; 10 DCMR 902), the Parking Objectives and Policies (Sections 935 and 936; 10 DCMR 917), the Downtown Retail Core Objectives and Policies (Sections 951 and 952; 10 DCMR 925), and the Downtown Arts District Objectives and Policies (Sections 1129 and 1130; 10 DCMR 1128 and 1129). The Downtown Element is comprehensive in itself, and is thoroughly articulated. Indeed, Sec. 952 alone sets forth 22 discrete policies in support of the Downtown retail core objectives which are stated in Sec. 951.

The policies by which the Commission must be guided have been adopted. It is evident that the Executive Branch and Council considered them with care. The charge of the Zoning Commission is not to assess and revise those policies, but to implement them, by adopting Zoning Regulations that are not inconsistent with the established objectives and policies for the Downtown Retail Core.

The proposal of the Office of Planning ("OP"), as set forth in OP's Preliminary Report dated March 10, 1988, clearly tracked the Downtown Element, and in the view of the Zoning Commission, did not go beyond the cited objectives and policies.

In short, this rulemaking proceeding is about the following: strengthening the District's retail core; encouraging additional retailers to locate around existing major anchors; requiring continuous retail frontage at the street level; seeking more than one floor of retail use, to obtain a major concentration of retail space and activity;

encouraging a great variety of goods and services; encouraging restaurants and entertainment; encouraging new office development; providing an improved pedestrian environment, especially on F and G Streets; encouraging sufficient short-term parking for shoppers; retaining existing theatres and other facilities for the performing arts, and encouraging new ones; and retaining existing and encouraging additional creative and fine arts uses and supporting uses.

On their face, these policies are estimable and reasonably attainable. Further, they are policies which are well within the police power authority of the Executive and Council to have established and adopted as provisions in the Comprehensive Plan.

Public hearings were held on June 23 and September 8, 1988. Substantial support for the proposed amendments was expressed. The thrust of the qualified opposition to the proposed regulations is that the policies intended to be advanced are unsound, or that the regulations go beyond the policies established in the Comprehensive Plan. The Commission is not persuaded on either score. Albeit vividly expressed, the projections of harsh effects, and claims of an unconstitutional taking are not supported by experience or the record in this case. Multi-level retail and service uses in a variety of forms presently operate in the proposed SHOP District area. It is doubtful that market forces have determined precisely the extent to which and the form in which these uses would thrive.

The Zoning Commission is unaware also of any legal or planning principle that would require the District of Columbia to be other than purposeful in the pursuit of its vision for the Downtown Area. Nor were the Council and Executive required to allow this critical area of the District to become excessively dominated by a narrow range of office uses, as arguably "dictated" by market forces, and unguided by vision, imagination, or resourcefulness. The September 8, 1988 memorandum from OP, as well as the November 15, 1988 OP Final Report and Summary Abstract, cogently and persuasively state the case for the required floor area for retail, arts, and entertainment uses. In particular, the Zoning Commission is persuaded that the Comprehensive Plan is very clear about achieving a major concentration of retail uses. For that reason, the Commission concludes that this Comprehensive Plan policy over-rides the unsubstantiated claim that OP's proposal was based upon an unsupported target for retail floor area.

In particular, the Commission is persuaded that the regulatory scheme which OP has developed, and which as revised the Commission adopts, is reasonable. By a combination of restrictions and incentives, the amendments

will guide land use in the direction established by the Comprehensive Plan. The regulations include substantial flexibility, both in the form of the special exception process of Sec. 1706, and by allowing bonus development rights to be transferred to lots within the SHOP District or within the receiving zones which will be mapped in further proceedings in this case. The statutory variance process remains available to provide a further level of protection.

On February 3, 1989, notice of proposed rulemaking was published in the D.C. Register (36 DCMR 1104), and the proposed amendments were transmitted to the National Capital Planning Commission ("NCPC").

Comments on the proposed rulemaking were limited, but identified the following issues:

- (1) Technical and editorial changes recommended by OP;
- (2) Recommendations that the southern half of Square 290 be deleted from Sec. 1701.1(b);
- (3) A contention that 1.5 FAR for preferred uses would be excessive as applied to buildings with less than either six stories or 8.5 FAR;
- (4) A recommended bonus for historic preservation;
- (5) Support for allowing bonuses to be applied to satisfy the minimum FAR requirements for preferred uses; and
- (6) The recommendation of OP that, upon recommendation by the OP Director, the Zoning Administrator be authorized to waive up to 20% of the FAR required for preferred uses.

By report dated March 2, 1989, NCPC found that the proposed amendments to the text and map of the Zoning Regulations would not adversely affect the federal establishment or federal interests in the National Capital, and would not be inconsistent with the Comprehensive Plan.

The Commission has considered the comments, and its response is as follows:

- (1) The Commission approves the technical corrections recommended by OP;
- (2) The Commission approves the deletion of the southern half of Square 290 from Sec. 1701.1(b);
- (3) The Commission believes that smaller buildings are reasonably able to accommodate 1.5 FAR for

preferred uses. The exemption process will provide a reasonable degree of flexibility, which may be enhanced if the Commission ultimately approves the limited waiver authority of the Zoning Administrator, as discussed in paragraph numbered 6 below;

- (4) The Commission agrees that some additional relief is appropriate to aid the retention of historic landmarks. Sec. 1701.1(c) has been revised to apply the 1.5 FAR requirement to a landmark structure, even within a 1701.1(b) area;
- (5) The Commission believes that the minimum FAR for preferred uses should be met by actual FAR, not by bonus credits; and
- (6) The Commission agrees that the matter of right waiver process recommended by OP has sufficient merit to be approved as proposed rulemaking for inclusion in chapter 17.

The Commission has determined that, with the exception of the matter of right waiver, the changes in the proposed rules are not substantial, and final rulemaking is appropriate. The Commission will also publish proposed rulemaking to amend the reference in Sec. 1701.1(b) to "Square 224 (Lot 24)" to read "Square 224 (Lot 824)"; and to define the terms "net leasable area" and "gross leasable area", which appear in Sec. 1710.1. The Commission retains jurisdiction of this case to consider those matters not addressed in the final rules approved in this Order.

The Zoning Commission believes that the proposed amendments to the Zoning Regulations are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, are not inconsistent with the Comprehensive Plan for the National Capital, and will appropriately implement and advance the objectives and policies established in the Comprehensive Plan.

In consideration of the reasons set further herein, the Zoning Commission hereby orders APPROVAL of amendments to the Zoning Regulations to establish and map a Downtown SHOP Overlay Zone District. The specific amendments to The Zoning Regulations are as follows:

1. Amend the text of the Zoning Regulations by adopting a new Chapter 17 of Title 11, to read as follows:

Chapter 17 DOWNTOWN SHOPPING OVERLAY (SHOP) DISTRICT

1700 GENERAL PROVISIONS

1700.1 The Downtown Shopping Overlay ("SHOP") District is applied to a geographic area identified in the Comprehensive Plan as the Downtown Retail Core, comprising Squares 223, 224, 225, 252, 253, 254, 288, 289, 290, 319, 320, 321, 345, 346, 347, 375, 376, and 377. This area is bounded by E Street and New York Avenue, N.W., on the north; and 9th and 15th Streets, N.W., on the east and west.

1700.2 The SHOP District is intended to help accomplish the development policies of the Comprehensive Plan relating to the Retail Core and the overlapping portions of the Downtown Arts District, as stated most directly in the Downtown and Land Use Elements (10 DCMR, Chapters 9 and 11). Specific purposes include the following:

- (a) To create the most concentrated area of retail, service, arts, and entertainment uses in Downtown, in excess of one floor of these uses, with the greatest retail concentration oriented to F and G Streets, N.W.;
- (b) To develop in the applicable sector of the Arts District, the Squares along and north of E Street, a concentration of spaces and activities for the arts and artists, including the performing arts, visual arts, fine arts, and arts-related retail and entertainment uses, together with retention of existing facilities such as the Warner, National, and Ford's theaters;
- (c) To strengthen the character and identity of the District by means of physical design standards which ensure the following:
 - (1) New buildings constructed to the property line and primarily oriented to the street rather than to internal spaces;
 - (2) Continuous retail, service, and entertainment uses on the ground level of buildings, with ample display windows and frequent store entrances to the outdoor pedestrian circulation system;
 - (3) A pedestrian environment with ample sidewalks interrupted by a minimum of vehicular driveways, especially along F and G Streets; and

(4) A sensitive design relationship between new and older buildings, especially historic buildings;

(d) To provide adequate and visually acceptable short-term parking and consolidated loading facilities having access primarily from streets other than F and G Streets; and

(e) To foster growth opportunities for and retention of small and minority businesses.

1700.3 The Downtown Shopping District and the underlying zone district shall together constitute the zone district for the geographic area referred to in Sub-section 1700.1. If there appears any conflict between this chapter and the underlying zoning, the more restrictive regulations shall govern.

1700.4 Except as otherwise specified, The requirements of this chapter shall apply to all new construction and to all additions, alterations, or repairs which, within any 12-month period, exceed seventy-five percent (75%) of the assessed value of the building.

1701 USE PROVISIONS

1701.1 Each new or altered building shall devote not less than either 1.5 or 2.0 FAR equivalent to retail and personal service uses listed in Section 1707 or the arts uses listed in Section 1708; provided, that:

(a) For the purposes of this chapter, space devoted to preferred uses in cellar space shall count towards meeting the minimum requirement without affecting the permitted maximum bulk of the building;

(b) The 2.0 FAR equivalent in preferred uses shall apply to the following squares and portions of squares: Square 375 (northern half, that is, north of G Place), Square 346, Square 320, Square 321, Square 319 (southern half, that is Lot 29), Square 288 (southern half, that is Lot 56 only), Square 289, Square 253, Square 254 (northern half, that is, Lot 53 and that part of Lot 837 which is north of the eastern extension of the southern most boundary of Lot 53), Square 290 (northern half, that is, Lot 43, and Square 224 (Lot 24); and

(c) Property in other squares, any historic building, and any building in the SHOP District having six (6) floors or less at and above grade shall devote not less than 1.5 FAR equivalent to preferred uses.

1701.2 In the applicable sector of the Downtown Arts District, that is, Squares 254, 290, 321, 347, 377, 376 and 375 (southern half, that is, south of the existing east-west alley), uses which are set forth in Section 1708 shall comprise not less than fifty percent (50%) of the floor area required to be devoted to preferred uses.

1701.3 Not less than fifty percent (50%) of the gross floor area of the ground level of the building shall be devoted to the preferred uses which are set forth in Sections 1707 and 1708; provided, that not more than twenty percent (20%) of the required ground level space shall be occupied by banks, loan offices, other financial institutions, travel agencies, or other ticket offices.

1701.4 The uses listed in Section 1709 are deemed office uses in the SHOP District and do not qualify as preferred uses in meeting the required floor area for such uses.

1701.5 An existing department store or legitimate theater shall not be converted in whole or in part to another use unless such conversion has been reviewed and approved by the Board of Zoning Adjustment pursuant to the criteria set forth in Section 1706 of this chapter.

1701.6 A parking lot, parking garage, or parking spaces at or above grade in a building, shall be permitted in the SHOP District if approved by the Board of Zoning Adjustment as a special exception; provided, that all provisions of chapter 23 of this title shall be complied with.

1701.7 Except as provided in Sub-section 1701.4 of this section, the requirements of this chapter shall not apply to any public utility regulated by the Public Utility Commission.

1702 DESIGN STANDARDS

1702.1 Within the area of the SHOP Overlay District, the provisions of Sub-paragraph 2217.8(c)(1) of this title are modified to provide that no driveway shall be permitted which would provide vehicular access to required parking spaces or loading

berths from F Street, G Street, or 10th Street between E and F Streets.

1702.2 Not less than seventy-five percent (75%) of the streetwall of new construction, to a height of not less than fifteen feet (15'), shall be constructed to, or within four feet (4') of, the property line between the lot and abutting street right-of-way; provided, that this requirement shall not apply in the Downtown Historic District or the Pennsylvania Avenue Historic Site.

1702.3 Not less than fifty percent (50%) of the surface area of the streetwall at the ground floor of each building shall be devoted to display windows and to entrances to commercial uses or to the building; provided, that:

- (a) Such windows shall use clear, or low emissivity glass, except for decorative or architectural accent; and
- (b) Entrances to the building, including entrances to shops and to the main lobby, shall be separated by not more than fifty feet (50') on average for the linear frontage of the building;

1702.4 The floor area ratio credit for open arcades as provided in Section 2515 of this title is not applicable in the SHOP District; provided further, that any open arcade constructed shall extend the length of an entire block frontage, or shall connect with an open arcade in an abutting building in such fashion as to provide a continuous walkway.

1702.5 The requirements of this Section shall not apply to a department store, theater, or hotel.

1703 DEVELOPMENT FLEXIBILITY AND BONUSES

1703.1 This section provides for flexible use and allocation of preferred uses and bonus density.

1703.2 If a building provides gross floor area for preferred uses in excess of the required 1.5 or 2.0 FAR equivalent specified in sub-section 1701.1, the excess square footage may be used in one of the following ways:

- (a) The excess floor area devoted to preferred uses may be linked by combined lot development with another lot within the SHOP

District and thereby count towards the preferred use requirement of the other lot, pursuant to Section 1704; or

- (b) The excess square feet of gross floor area equivalent devoted to preferred uses may be used to increase the gross floor area of the building for all permitted uses on a one to one (1:1) ratio.
- (c) The density increase utilized pursuant to paragraph (b) of this sub-section may be developed on-site, transferred to another lot within the SHOP District pursuant to Section 1704, transferred to a lot within a receiving zone outside the SHOP District pursuant to Section 1705, or any combination of the above.

1703.3 A building which provides preferred uses in excess of the required 1.5 or 2.0 FAR equivalent, and which includes any of the uses indicated below, may count the floor area devoted to such use or uses at the bonus ratio indicated for the purpose of earning surplus density:

	Space devoted to the bonus use		Proportionate number of square feet of additional gross floor area earned for on-site or off-site development
(a) Department Store	1	to	3
(b) Legitimate theater	1	to	2
(c) Anchor store; movie theater; performing arts space; small, minority or displaced business	1	to	0.5

1703.4 When excess or bonus FAR is utilized within the SHOP District, whether in one development or more than one development linked by combined lot

development, the following development limits shall apply:

- (a) The gross floor area of a building shall not exceed 11.0 for a building in the C-5 District, 10.5 for a building facing or abutting a street not less than one hundred ten feet (110') in width between building lines, 9.5 for a building facing or abutting a street which is one hundred feet (100') in width, and 9.0 for a building facing or abutting a street which is less than one hundred feet (100') in width;
- (b) The maximum building height shall be that permitted by the Act to Regulate the Height of Buildings, June 1, 1910, as amended; and
- (c) The rear yard required by Sub-sections 774.1 and 774.9 of this title may be reduced in size or eliminated if a public alley abuts the building to the rear.

1703.5 A project in the Downtown Historic District or the Pennsylvania Avenue Historic Site may not utilize bonus floor area on-site, but may use the building height and rear yard allowances provided in paragraphs 1703.4(b) and (c), and is also eligible to transfer bonus density to other sites in the SHOP District, or to sites in receiving zones pursuant to Section 1705 of this title.

1704 COMBINED LOT DEVELOPMENT

1704.1 Two or more lots may be combined for the purpose of achieving the required 1.5 or 2.0 of FAR equivalent for preferred uses or to transfer bonus density from one lot to one or more other lots; provided, that:

- (a) The lots may be located in the same square or in different squares within the SHOP District;
- (b) Combined lot development shall be available for the height, density, and area allowances permitted by Sub-section 1703.4;
- (c) The maximum permitted floor area for all uses and the minimum required floor area for preferred uses shall each be calculated as if the combined lots were one lot, and the total project shall conform with the maximum and minimum floor area requirements;

- (d) The required floor area to be devoted to preferred uses may be transferred from the sending lot to a receiving lot, on which the required space for preferred uses shall be incorporated into the building design and occupied; provided, that the ground level uses required by Sub-section 1701.3 shall not be transferred, but shall be provided on each sending lot and receiving lot;
- (e) The Certificate of Occupancy for the development sending retail FAR to another development may be revoked, if no building permit for the receiving site has been issued to the developer within three years after the issuance of the Certificate of Occupancy for the sending site;
- (f) No transfer of required gross floor area for preferred uses or of bonus floor area, shall be effective under this Section unless an instrument, legally sufficient in both form and content to effect such a transfer in a form approved by the Corporation Counsel, has been entered into among all of the parties concerned, including the District of Columbia;
- (g) A certified copy of the instrument of transfer shall be filed with the Zoning Administrator, Department of Consumer and Regulatory Affairs, prior to approval by said Department of any building permit application affected by such transfer;
- (h) The document shall be recorded in the office of the Recorder of Deeds, serving as a notice both to the receiving lot and to the sending lot by virtue of this arrangement for transfer of required floor area or bonus floor area; and
- (i) The notice of restrictions and transfer shall run with the title and deed to each affected lot.

1705 TRANSFERABLE DEVELOPMENT RIGHTS

1705.1 The combined lot development provisions of Section 1704 may be used to transfer bonus floor area from a project within the SHOP District to a receiving lot or lots located in the Downtown East or New Downtown receiving zones pursuant to the provisions of this section.

1705.2 Gross floor area transferred from historic buildings within the SHOP District to a receiving zone shall be governed by the following additional provisions:

- (a) The preserved building or part thereof shall be a designated historic landmark or shall be a building within the Downtown Historic District or the Pennsylvania Avenue Historic site, which has been preserved in whole or in part pursuant to D.C. Law 2-144 and regulations and procedures pursuant thereto;
- (b) Undeveloped gross floor area of up to 4.0 may be transferred from the historic sending lot to a lot or lots elsewhere in the SHOP District or in a receiving zone; provided, that each square foot of unused gross floor area less than the matter-of-right density of the sending lot shall earn two square feet of transferable development rights; and
- (c) Excess floor area devoted to preferred uses in the building on the historic, sending lot, may be transferred off-site in addition to the unused density specified in paragraph (b), at a 1:1 ratio for uses which are set forth in Section 1707, and a 1:2 ratio for uses which are set forth in Section 1708.

1705.3 The Downtown East receiving zone is bounded by North Capitol Street on the east, Massachusetts Avenue on the north, Third Street on the west, and Pennsylvania Avenue and Louisiana Avenue on the south, all N.W. It includes the C-3-C and HR/C-3-C zoned portions of Squares 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 626, 627, 628, 629, 630, and 631.

1705.4 The New Downtown receiving zone is bounded by New Hampshire Avenue on the west, Pennsylvania Avenue on the south, 19th Street on the east, and midblock between L and M Streets on the north, all N.W. It includes the C-3-C zoned portions of Squares 72, 73, 74, 76, 85, 86, 100 (southern half), 117 (southern half), and 118.

1705.5 In the Downtown East and New Downtown receiving zones the maximum permitted gross floor area for any permitted uses shall be 9.0 and the maximum permitted building height shall be that permitted by the Act to regulate the Height of Buildings, June 1, 1910, as amended.

1706 EXCEPTIONS

1706.1 Exceptions from the requirements of the SHOP District shall only be permitted if granted by the Board of Zoning Adjustment after public hearing, based on the following criteria:

- (a) The use(s), building(s), or feature(s) at the size, intensity, and location(s) proposed, will substantially advance the stated purposes of the SHOP District and will not adversely affect neighboring property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area;
- (b) Exceptional circumstances affecting the property make compliance with the requirements of this chapter difficult or impossible, or the development provides alternative public benefits in lieu of the excepted uses or features which are of comparable value to the public in achieving the purposes of this chapter and of the Comprehensive Plan;
- (c) The architectural design concept of the project will enhance the urban design features of the immediate vicinity in which it is located; provided, that if a historic district or historic landmark is involved, the Board shall refer the application to the State Historic Preservation Officer for review and report;
- (d) Vehicular access and egress are located and designed so as to minimize conflict with principal pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic conditions; and
- (e) The Board may impose requirements pertaining to design, appearance, signs, size landscaping, and such other requirements as it shall deem necessary to protect neighboring property and to achieve the purposes of the SHOP Overlay District.

1707 RETAIL AND PERSONAL/CONSUMER SERVICE USES

1707.1 For the purposes of this chapter, the following uses are preferred retail and personal/consumer service uses:

- (a) Anchor Store
- (b) Antique Store
- (c) Apparel and Accessories Store
- (d) Appliance Store
- (e) Auction House
- (f) Auto and Home Supply Stores, excluding installations
- (g) Bank Loan Office, Savings & Loan, Credit Union, or Other Financial Institution
- (h) Bakery, limited to baking of food sold on premises
- (i) Bicycle Shop
- (j) Barber or Beauty Shop
- (k) Candy Store
- (l) Computer Store
- (m) Cosmetic Store
- (n) Camera Store
- (o) Delicatessen
- (p) Department Store
- (q) Dressmaking or Tailor Shop
- (r) Drug Store
- (s) Dry Cleaners
- (t) Fabric Store
- (u) Fast Food Restaurant, excluding drive-through
- (v) Florist and Plant Stores
- (w) Furniture Store
- (x) Gift, Novelty and Souvenir Shop
- (y) Grocery Store
- (z) Hardware Store

- (a)(a) Health or Exercise Studio
- (b)(b) Hobby, Toys and Game Shop
- (c)(c) Home Furnishings Store
- (d)(d) Jewelry Store
- (e)(e) Liquor Store
- (f)(f) Luggage and Leather Goods Store
- (g)(g) Newsstand
- (h)(h) Office Supplies and Equipment Store
- (i)(i) Optician
- (j)(j) Paint Store
- (k)(k) Pet Store
- (l)(l) Printing, Fast Copy Service
- (m)(m) Radio, Television and Consumer Electronics Store
- (n)(n) Secondhand Store
- (o)(o) Shoe Repair and Shoeshine Parlor
- (p)(p) Shoe Store
- (q)(q) Specialty Food Store
- (r)(r) Sporting Goods Store
- (s)(s) Telegraph Office
- (t)(t) Tobacco Store
- (u)(u) Travel Agency, Ticket Office
- (v)(v) Variety Store

- (w) (w) Video Tape Rental; and
- (x) (x) Other similar personal/consumer service establishment or retail uses, including assemblage and repair clearly incidental to the principal use.

1708 ARTS USES AND ARTS-RELATED USES

1708.1 For the purposes of this chapter, the following uses are preferred arts uses and arts-related retail and support uses:

- (a) Art Center
- (b) Art Gallery
- (c) Art School, including school of dance, photography, filmmaking, music, writing, painting, sculpturing, or printmaking
- (d) Artist Housing or Loft
- (e) Artist Studio
- (f) Artists' Supply Store
- (g) Arts Organizations, Administrative Offices of
- (h) Arts Services, including set design, and restoration of art works
- (i) Assembly hall, auditorium, public hall, or other performing arts space, including rehearsal/pre-production space or concert hall
- (j) Book Store
- (k) Cabaret
- (l) Dance Hall, Discotheque, or Ballroom
- (m) Dinner Theater
- (n) Drinking Place, including bar, nightclub, or cocktail lounge
- (o) Legitimate Theater
- (p) Movie Theater
- (q) Museum
- (r) Performing Arts Ticket Office or Booking Agency
- (s) Photographic Studio
- (t) Picture Framing Shop
- (u) Record Store, Musical Instruments Store
- (v) Restaurant; and
- (w) Television and Radio Broadcast Studio

1709 OFFICE SPACE USERS

1709.1 For the purposes of this chapter, the following users are office space uses and not preferred uses:

- (a) Accountant
- (b) Architect
- (c) Attorney
- (d) Bail Bondsman

- (e) Counseling Service
- (f) Consultant - General
- (g) Dentist, Doctor, or Medical Office
- (h) Employment Agency
- (i) Escrow Agent
- (j) Government
- (k) Health Clinic
- (l) Insurance Broker

- (m) Laboratory
- (n) Landscape Architect
- (o) Mortgage Broker
- (p) Real Estate Agent, Appraiser, Broker, Developer
- (q) Stockbroker
- (r) Tax Preparer
- (s) Title Company
- (t) Trust Company; and
- (u) Utility Company, Offices of

1710 DEFINITIONS

1710.1 For purposes of this chapter, the following definitions shall apply:

- (a) Small business - a business which occupies 2,000 square feet or less of net leasable area and which provides evidence of not being franchise-operated;
- (b) Minority business - a Certified Minority Business as designated by the District of Columbia Minority Business Opportunity Commission;
- (c) Displaced Downtown business - a business which occupies a building on or after the date on which a demolition permit has been issued for that building, or which occupied a building which was demolished after January 1, 1986;
- (d) Department Store - a single retail store, in excess of 90,000 square feet of gross leasable area, that: (a) is involved in the sale of, among other things, apparel and furnishing; (b) is organized into departments or sections which are integrated under single management; and (c) is operated under a single Certificate of Occupancy; and
- (e) Anchor Store - a single retail store, having between 60,000 and 90,000 square feet of

gross leasable area, and which is operated under a single Certificate of Occupancy.

2. Amend the Zoning Map to include Squares 223, 224, 225, 252, 253, 254, 288, 289, 290, 319, 320, 321, 345, 346, 347, 375, 376, and 377 in the Downtown Shopping (SHOP) Overlay Zone.

Vote of the Zoning Commission at the December 19, 1988 continuation session of the public meeting which began on December 12, 1988: 4-0 (John G. Parsons, George M. White, and Lindsley Williams to approve; Maybelle Taylor Bennett to approve by proxy; and Lloyd D. Smith, not voting, not having participated in the hearing).

This Order was revised and approved by the Zoning Commission at the public meeting on March 13, 1989, by a vote of 4-0 (Lindsley Williams, Maybelle Taylor Bennett, and John G. Parsons to approve; George M. White to approve by proxy; and Lloyd D. Smith not voting, not having participated in the hearing).

In accordance with the 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, on MAR 31 1989.



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat